

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY HARRISON (4),

Defendant.

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CRIMINAL ACTION NO. 4:07CR247

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 2, 2018, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Chris Eason.

On February 9, 2009, Defendant was sentenced by the Honorable United States District Judge Marcia Crone of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Manufacture, Distribute or Possess with Intent to Manufacture, Distribute or Dispense Cocaine Base, a Class A felony. This offense carried a statutory minimum sentence of ten (10) years and a maximum imprisonment term of life. The guideline imprisonment range, based on a total offense level of 29 and a criminal history category of III was 120 to 135 months. Jeremy Harrison was subsequently sentenced to 120 months imprisonment followed by five (5) year term of supervised release subject to the standard conditions of release, plus special conditions to include submission of financial information, substance abuse testing and treatment, and a \$100 special assessment. On March 27, 2015, Jeremy Harrison completed his period of imprisonment

and began service of the supervision term. On January 14, 2015, this case was reassigned to the Honorable Amos L. Mazzant, United States District Judge for the Eastern District of Texas.

On January 23, 2018, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 537 Sealed]. The Petition asserted that Defendant violated three (3) conditions of supervision, as follows: (1) Defendant shall not refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (3) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of United States Probation Office, until such time as the Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following acts: (1) and (2) On June 13, 2017, Defendant submitted a urine specimen at the United States Probation Office, which tested positive for marijuana. He signed an admission form whereby he admitted to use and it was not sent to the lab for testing. On June 20, 2017, Defendant submitted a urine specimen at McCary Counseling Services, in Denton, Texas, which tested positive for marijuana. Lab results confirmed said use. On November 3, 2017, Defendant submitted a urine specimen at the United States Probation Office, which was confirmed positive for marijuana. He signed an admission form admitting to use and lab results confirmed said use. Furthermore, the specimen was diluted. On December 4, 2017, Defendant submitted a urine specimen at McCary Counseling Services, in Denton, Texas, which tested positive for marijuana. Lab results confirmed said use. Furthermore, the specimen collected on December 4, 2017 was diluted and not consistent with normal human urine; and (3) As part of the United States Probation Officer's random drug testing program,

Defendant failed to submit a urine specimen at McCrary Counseling in Denton, Texas, on July 10, August 31, 2017, and January 19, 2018. Defendant also failed to attend substance abuse counseling at McCrary counseling on October 3, 2017, and January 2, 2018.

Prior to the Government putting on its case, Defendant entered a plea of true to all three (3) allegations of the Petition. Having considered the Petition and the plea of true to allegations one (1), two (2), and three (3), the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons North Texas area facility, if appropriate.

SIGNED this 5th day of February, 2018.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', is written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE